IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 207 of 2005

1. Ratneesh Juyal

2. Rajneesh Juyal

3. Harish Juyal
All S/o Girish Chand Juyal
R/o 56 E.C. Road
Dehradun .....Applicants

Versus

1. State of Uttaranchal

2. Judicial Magistrate, C.B.I., Dehradun

3. Sanjay K. Sharma
S/o Late D.S. Sharma
R/o 41-B Rajpur Road
Dehradun .....Opp. Parties

Sri Sanjeev Kaushik, learned counsel for the applicants.
Sri G.S. Sandhu, learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition has been filed by the petitioners for quashing the chargesheet filed u/s 323, 504 & 506 I.P.C. Police Station Raipur, District Dehradun.

Heard learned counsel for the petitioners and learned A.G.A. and perused the record.

Learned counsel for the petitioners has submitted that on the basis of the evidence collected by the investigating officer, no case is made out against the petitioners u/s 323, 504 & 506 I.P.C.

The record reveals that the chargesheet has been submitted before the court concerned against the petitioners and in case if the petitioners contend that no case made out against them, they may raise the same argument before the court concerned at the time of framing the charges against them.

The contention raised by the learned counsel for the petitioners relates to the question of facts which can be examined and assessed by the trial court when the evidence is to be led by the parties.

At this stage, I do not find any serious miscarriage of justice and abuse of process of the court. I also do not find any mandatory provision of law has not been complied with by the court below.

The petition is accordingly dismissed.

However, in case if the petitioners appear before the court concerned for seeking their bail, the trial court shall dispose it expeditiously.

(B.C. Kandpal, J.)

21st April, 2005
Shiv